

No. 11(112)-80-8Lab/12616.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Malevel Castings, Sector 24, Faridabad.

IN THE COURT OF SHRI ISHWAR PRASAD CHAUDHRY, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 22 of 1979

between

SHRI GAJ RAJ SHARMA WORKMAN AND THE MANAGEMENT OF M/S MALEVEL CASTINGS, SECTOR 24, FARIDABAD

Present :

None for the Workman.

None for the Management.

AWARD

This reference No. 22 of 1979 has been referred to this court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/44/79/49921, dated 26th November, 1979 under section 10(i)(c) of the Industrial Disputes Act, 1947, for adjudication of the dispute existing between Shri Gaj Raj Sharma workman and the management of M/s Malevel Castings, Sector 24, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Gaj Raj Sharma was justified and in order ? If not, to what relief is he entitled to ?”

After receiving this reference notices were issued to both the parties. Both the parties appeared and the management filed the written statement on 15th February, 1980 and the case was fixed for 22nd February, 1980 for filing of rejoinder and framing of issues. On 22nd February, 1980 both the parties prayed for a date for settlement which was granted and the case was fixed for 29th February, 1980. On that day neither the workman nor his authorised representative was present but the management was present. My learned predecessor passed the *ex parte* order against the workman and the same day the *ex parte* evidence of the management was recorded. Shri V.P. Sharma, Partner of the respondent management stated that the above said workman had left his services of his own accord and his other Partner started his own foundry. This workman was employed by that Partner. He further stated that his factory was closed since then and the award was reserved.

On 24th March, 1980 the representative of the workman filed an application for setting aside the *ex parte* order which was set aside and the notice was sent to the management for 22nd May, 1980, but the service of the notice could not be effected on the management. Then the representative of the workman was directed to file the correct address of the respondent and the case was fixed for 9th July, 1980. On that day none was present from either side. The service of the notice could not be effected on the management as the employer was not available on that new address.

In these circumstances, I feel that the workman had settled his dispute with the management and joined his services in the foundry of other Partner of the respondent Company as stated by Shri V. P. Sharma. The workman is not interested to pursuing his case. I send no dispute award in this reference. No order as to cost. This be read in answer of this award.

ISHWAR PRASAD CHAUDHRY,

Dated the 6th November, 1980.

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endst. No. 2070, dated the 10th November, 1980

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above said award may please be acknowledged within week's time.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.